IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: Basi, Nirmal Singh
Avi ASHKENAZI, *et al.*	)	Art Unit: 1646
Application Serial No. 09/909,088	)	Confirmation No: 1981
Filed: July 18, 2001	)	Attorney's Docket No. 39780-1618 P2C79
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING SAME**	)	**Customer No. 35489**

FILED VIA EFS
ON January 3, 2008

ON APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
APPELLANTS' BRIEF

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents -
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

On February 1, 2007, the Examiner made a Final rejection to pending Claims 39-47 and 49-52 and 55-58. A response and Notice of Appeal were filed on July 25, 2007, an Appeal Brief was filed on November 21, 2007. A Notice of non-compliance was received on December 5, 2007. Only the defective portion of the Appeal Brief is hereby filed as recommended by the USPTO, within the **one-month time limit**, and therefore no fees are deemed due. All other sections of the Appeal Brief remain as filed on November 21, 2007.

5. SUMMARY OF CLAIMED SUBJECT MATTER

The invention claimed in the present application is related to isolated polynucleotides comprising a nucleic acid sequence encoding the polypeptide of SEQ ID NO:290 referred to in the present application as "PRO335," a nucleic acid sequence encoding the polypeptide of SEQ ID NO:290, or a nucleic acid sequence encoding the polypeptide of SEQ ID NO:290 lacking its associated signal peptide; or the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:289; or a nucleic acid sequence of the full-length coding sequence of the cDNA deposited under ATCC accession number 209927 (Independent Claim 44, and claims 45-47 and 49). The cDNA nucleic acid encoding PRO335 is described in the specification at, for example, page 184, line 21 to page 185, line 32 (Example 43), in Figure 101 and in SEQ ID NO:289. Page 63, lines 34-37 of the specification provides the description for Figures 101 and 102.

The invention is further directed to nucleic acids having at least 80-99% sequence identity to nucleic acids encoding polypeptides of SEQ ID NO:290; or the nucleic acid sequence encoding the polypeptide-of SEQ ID NO:290 lacking its associated signal peptide; or the full-length coding sequence of the nucleic acid sequence of SEQ ID NO:289; or the nucleic acid sequence of the cDNA deposited under ATCC accession number 209927, wherein the polypeptide encoded by said nucleic acid is an immunostimulant. PRO nucleic acid variants (Independent Claims 39-43) having at least about 80-99% nucleic acid sequence identity with a nucleic acid encoding for a full length PRO polypeptide sequence or a PRO polypeptide sequence lacking the signal peptide are described in the specification at page 55, line 2 to page 57, line 10, and for example, at page 69, line 25 to page 72, line 8.

The invention is further directed to vectors comprising these nucleic acids and host cells comprising such vectors (page 117 to page 123). The full-length PRO335 polypeptide having the amino acid sequence of SEQ ID NO:290 is described in the specification at, for example, page 50-51, lines 1-22, in Figure 102 and in SEQ ID NO:290. Hybridization probes (Independent Claim 52 and its dependents) and stringent hybridization conditions under which the nucleic acid sequences described above hybridize are described in the specification at, for example, pages 73, line 34 onwards to page 74.

Recombinant expression, characteristics and effects of the PRO335 polypeptides were disclosed in the specification, including in Examples 43, 54, 56, 74, and 77. The PRO335 polypeptides encoded by the claimed nucleic acids were shown to induce proliferation of stimulated T-lymphocytes in a mixed lymphocyte reaction as compared to controls (Example 74). PRO335 is also described as a polypeptide having homology to proteins of the leucine rich repeat superfamily, and particularly, are related to LIG-1 (page 30, line 11, to page 31, line 18, and page 110, lines 26-36). Example 74 (page 208) shows that PRO335 tested positive in the mixed lymphocyte reaction (MLR) assay, demonstrating that PRO335 is active as a stimulator of the proliferation of stimulated T-lymphocytes, and therefore would have utility in the treatment of conditions where the enhancement of an immune response would be beneficial. In addition, Example 77 shows the ability of PRO335 to stimulate an immune response and induce inflammation at the site of injection in the skin vascular permeability assay, using the hairless guinea pig injected with the Evans blue dye as a model system.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. **08-1641** (referencing Attorney's Docket No. **39780-1618 P2C79**).

Respectfully submitted,

Date: January 3, 2008

By:_____
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